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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

18 LOUIS WILKINS,

Case No. 3:10-02940 JSW (BZ)

19 Plaintiff,

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE PLAINTIFF'S  
DEADLINE TO FILE A MOTION FOR  
ATTORNEYS' FEES AND COSTS**

20 vs.  
21 UNUM LIFE INSURANCE COMPANY  
22 OF AMERICA; HSBC NORTH  
23 AMERICA HOLDINGS, INC. LONG  
24 TERM DISABILITY PLAN,

Defendants.

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1           WHEREAS:

2           1.       On September 24, 2013, the Court issued findings of fact and conclusions of law,  
3 and entered judgment in plaintiff's favor (Docket Nos. 53-54);

4           2.       On October 21, 2013, the Court clarified that the portion of its findings of fact and  
5 conclusions of law determining that plaintiff was not entitled to attorney's fees and costs was  
6 without prejudice, and that plaintiff was allowed to file a properly noticed and supported motion  
7 for such fees and costs (Docket No. 63);

8           3.       Pursuant to the Court's October 4, 2013 stipulated order, plaintiff's deadline to  
9 file such a motion is 30 days from the Court's October 21, 2013 order, or November 20, 2013  
10 (Docket No. 60);

11          4.       The parties have attended two mediations during this litigation, one before a  
12 private mediator and one before Magistrate Judge Zimmerman;

13          5.       Those mediations addressed numerous issues, including not only the benefits at  
14 issue in this action, but benefits being paid by defendant under another policy of insurance;

15          6.       The parties have met and conferred and believe that, given the Court's recent  
16 ruling this case, it would be productive for the parties to revisit those discussions in order to  
17 discuss the potential for globally settling the multiple claims at issue between the parties,  
18 including both sets of plaintiff's benefits as well as plaintiff's claim for attorney's fees and costs;  
19 and

20          7.       The parties are currently attempting to schedule a new mediation, but cannot  
21 feasibly do so prior to November 20, 2013, i.e., plaintiff's current deadline to file his motion for  
22 attorney's fees and costs.

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24          Thus, IT IS HEREBY STIPULATED by and between plaintiff Louis Wilkins and  
25 defendant Unum Life Insurance Company of America ("Unum"), through their attorneys of  
26 record, that the Court stay this litigation, thereby continuing plaintiff's deadline to file his  
27 motion for attorney's fees and costs pursuant to Federal Rule of Civil Procedure 54, until such  
28 time as the parties have been able to complete the aforementioned mediation. The parties agree

1 that they will advise the Court of the outcome of the mediation as soon as it is completed. While  
2 the upcoming holidays in conjunction with the fact that UNUM's authorized representative  
3 resides in Chattanooga, Tennessee, may delay the parties ability to attend an in person  
4 mediation, the parties anticipate taking part in such a mediation no later than the middle of  
5 January 2014.

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7 DATED: November 13, 2013

KANTOR & KANTOR, LLP

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By: /s/ Glenn R. Kantor  
Glenn R. Kantor  
Attorneys for Plaintiff  
Louis Wilkins

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DATED: November 13, 2013

WILSON, ELSER, MOSKOWITZ,  
EDELMAN, & DICKER LLP

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By: /s/ Francis Torrence  
Francis Torrence  
Attorneys for Defendant  
Unum Life Insurance Company of America

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## **ORDER**

Based on good cause having been shown, IT IS HEREBY ORDERED that this action is stayed, and therefore plaintiff's deadline to file his motion for attorney's fees and costs pursuant to Federal Rule of Civil Procedure 54 is indefinitely continued. The parties will advise the Court of the outcome of their scheduled mediation as soon as it is completed.

## IT IS SO ORDERED.

DATED: November 14, 2013

HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE